

**Security Council**

Distr.: General
5 December 2001
English
Original: Arabic

Letter dated 2 December 2001 from the Permanent Representative of Iraq to the United Nations addressed to the President of the Security Council

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 1 December 2001 from Mr. Naji Sabri, Minister for Foreign Affairs of Iraq. Appended to the Minister's letter is a table showing the 65 violations of Iraq's airspace and international boundaries that were committed by United States and British warplanes flying from bases in Kuwait across the demilitarized zone monitored by the United Nations Iraq-Kuwait Observation Mission (UNIKOM) in the period from 10 to 23 November 2001. The Minister points out that the United States and the United Kingdom are continuing to enforce the illegal no-flight zones in northern and southern Iraq, and that this constitutes aggression and is in flagrant violation of the Charter of the United Nations.

Accordingly, the Minister urges you to instruct UNIKOM to perform its duties in full, to report these violations to the Security Council through you as soon as they occur and to specify the number and nationality of the warplanes that violate the demilitarized zone, given that such violations constitute wanton aggression against the sovereignty, territory and people of Iraq, as well as against United Nations peacekeeping operations. He further asks you to alert the Security Council to its responsibility to halt this aggression and ensure that its perpetrators, namely the United States, the United Kingdom, Kuwait and Saudi Arabia, are held accountable for it under international law and liable for the payment of compensation to Iraq.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Mohammed A. Aldouri
Ambassador
Permanent Representative



Annex to the letter dated 2 December 2001 from the Permanent Representative of Iraq to the United Nations addressed to the President of the Security Council

Further to our letter dated 20 November 2001, I should like to inform you that in the period from 10 to 23 November 2001 United States and British warplanes flying from bases in Kuwait, from Kuwait's airspace and territorial waters and by way of the demilitarized zone monitored by the United Nations Iraq-Kuwait Observation Mission (UNIKOM) committed 65 violations of our international boundaries. As shown in the table appended to this letter, the relevant Iraqi agencies have determined that the violations committed were as follows:

1. Armed aerial activity by the United States and the United Kingdom, violating our international boundaries from the United States and British bases in Kuwait, from Kuwait's airspace and territorial waters and by way of the demilitarized zone, comprised 65 armed sorties in the following governorates: Dhi Qar, Muthanna, Basrah, Maysan and Qadisiyah.
2. Our technical systems identified the aircraft violating Iraq's airspace on a daily basis as American F-14s, F-15s and F-16s and British Tornados.
3. An AWACS aircraft operating inside Saudi airspace and an E-2C aircraft operating inside Kuwaiti airspace provided support to all of the United States and British aircraft that carried out armed and hostile sorties, violating Iraq's airspace by way of the demilitarized zone.
4. In the period from 10 to 23 November 2001, a total of one remotely piloted aircraft violated Iraq's airspace, flying from United States and British bases in Kuwait, from Kuwait's airspace and territorial waters and by way of the demilitarized zone.

All of the violations in question were committed by way of the demilitarized zone in which UNIKOM is stationed. One of UNIKOM's primary responsibilities is to monitor such hostile military operations and to report them and endeavour to halt them immediately.

The enforcement by the United States and the United Kingdom of the no-flight zones in northern and southern Iraq is an internationally unlawful act and a flagrant violation of the Charter of the United Nations and the established norms of international law. It constitutes a use of armed force against Iraq's sovereignty, independence and territorial integrity, and it is to be regarded as an ongoing act of aggression such as accords with the Definition of Aggression approved by the United Nations General Assembly in its resolution 3314 (XXIX) of 14 December 1974. Most of the world's countries have condemned the maintenance of the no-flight zones as representing an illegitimate use of force against an independent State. Your predecessor, Mr. Boutros Boutros-Ghali, has affirmed that the claim that the Security Council resolutions concerning Iraq authorize the imposition of the no-flight zones is groundless, and you asserted the same fact yourself at your press conference of 27 June 2001. The United States and the United Kingdom, with logistic support from Turkey and both logistic support and funding from Kuwait and Saudi Arabia, are nevertheless persisting undeterred in their contempt for the Charter of the United Nations and international law and are committing this

cowardly, terrorist aggression against Iraqi civilians and against Iraq's sovereignty, territorial integrity and political independence.

The violations being committed by the United States and the United Kingdom involving 10 to 20 military aircraft on a daily basis constitute an unlawful war. They represent an act of aggression such as requires the United Nations to take the measures required in its regard under the Charter in order to halt it forthwith and ensure that those who have committed it bear full international responsibility for it, including liability for the payment of compensation to Iraq.

The statements of UNIKOM to the effect that it is unable to monitor or identify these aircraft are untenable in the light of the scientific and technological capabilities that the United Nations Secretariat should make available to it for use in meeting the requirements of its mandate and establishing the identity and nationality of the warplanes that are violating Iraq's sovereign airspace, so that the necessary measures may be taken by the Security Council to halt these violations and acts of aggression. In another respect, even if UNIKOM did not have the systems needed to identify the type and nationality of these aircraft, the fact that they come from the direction of Kuwait confirms that they are those of the United States and the United Kingdom, because these two countries do not deny that they are engaging in aggression against Iraq on a daily basis from Kuwait. Your report on UNIKOM for the period from 28 March to 24 September 2001 (S/2001/913) indicates as much, and paragraph 6 states that "[it should be noted] that the mission's inability to identify the States responsible for conducting such flights is in no way to be understood as condoning them". You also state in the report that the United States and the United Kingdom have acknowledged that they are continuing to enforce a no-flight zone in southern Iraq.

I accordingly urge you once more to instruct UNIKOM to perform its duties in full, to report these violations to the Security Council through you as soon as they occur and to specify the number and nationality of the warplanes that violate the demilitarized zone and commit aggression against Iraq, given that this constitutes wanton aggression against Iraq and against its people, its sovereignty and its territory, as well as against United Nations peacekeeping operations. I also ask you to alert the Security Council to its responsibility to halt this aggression and ensure that its perpetrators, namely the United States, the United Kingdom, Kuwait and Saudi Arabia, are held accountable for it under international law.

(Signed) Naji Sabri
Minister for Foreign Affairs

Enclosure

**Hostile aerial activity violating Iraq's international boundaries
from Kuwait and by way of the demilitarized zone,
10-23 November 2001**

<i>No.</i>	<i>Date</i>	<i>From</i>	<i>Time</i>	<i>Type</i>	<i>Sorties</i>	<i>Altitude (metres)</i>	<i>Speed (km/h)</i>	<i>Areas overflown</i>
1	10-16 November	Kuwait	0900-1533	F-14, F-15	38	9,000-11,000	720-780	Basrah, Artawi, Nasiriyah, Shatrah, Rifa'i, Salman
2	17-23 November	Kuwait	1420-2205	F-14, F-15, F-16	27, including one remotely piloted aircraft	6,000-10,000	240-780	Basrah, Artawi, Jalibah, Shatrah, Safwan

Total sorties: 65

Note: The total number of armed aerial violations committed from Kuwaiti territory in the period from 17 December 1998 to 23 November 2001 was 35,877.

**Security Council**

Distr.: General
4 December 2001
English
Original: French

Letter dated 3 December 2001 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the President of the Security Council

On instructions from my Government I have the honour to refer to my letter of 3 December 2001, and in particular to paragraph 2, in order to confirm the reality and scope of the deployment of the Rwandan Patriotic Army.

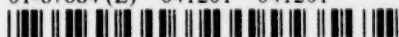
My Government regrets to inform the Security Council that Rwanda is substantially increasing its military presence in the Democratic Republic of the Congo at a time when the Congolese people are focusing their attention on the inter-Congolese negotiations and the national dialogue scheduled to begin next month in Sun City, South Africa, and are working to ensure their success, and when the allied forces of Namibia have completed their withdrawal and Angola and Zimbabwe have begun a significant and verified withdrawal of their forces.

According to information in our possession, which remains unrefuted and has been observed by Mr. Amos Namanga Ngongi, Special Representative of the Secretary-General, Rwanda last week sent two military brigades to Moba and three battalions to Kalemie, two towns in Katanga province. During the night of 29/30 November 2001, 3,000 soldiers of the Rwandan Patriotic Army entered the town of Bukavu. Similarly, Rwandan troops were observed moving towards the town of Kanyabayongo in North Kivu province.

This deployment is contrary to the Lusaka Agreement, the Kampala plan and the Harare sub-plans on disengagement and redeployment. It is a flagrant violation of all the relevant Security Council resolutions on the situation in the Democratic Republic of the Congo.

Rwanda is clearly seeking to restart the war. In view of this new situation, aimed at jeopardizing the peace process initiated in Lusaka, the Government of the Democratic Republic of the Congo requests the Security Council to meet as a matter of urgency so that it may, in accordance with the relevant provisions of the Charter of the United Nations and its resolutions on the situation in the Democratic Republic of the Congo, forcefully condemn Rwanda and take the appropriate coercive measures against it.

The Government of the Democratic Republic of the Congo holds Rwanda responsible for the resumption of hostilities. The condemnation of Rwanda should be all the more vigorous in that its attitude has the regrettable effect of jeopardizing the national dialogue, which is eagerly awaited and desired by all Congolese.



Furthermore, a resumption of hostilities by Rwanda not only makes it impossible to hold a forum for reconciliation among Congolese, but also exerts a negative influence on the peace process in neighbouring Burundi, which is already well advanced. In addition, the resumption of hostilities would negate all the efforts relating to national cohesion and communion which the peoples and ethnic groups of Rwanda are entitled to expect from their Government.

Lastly, the Security Council must identify the Government of Rwanda as being the only obstacle to peace in the entire Great Lakes region.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Atoki **Ileka**
Ambassador
Permanent Representative

**General Assembly
Security Council**Distr.: General
4 December 2001

Original: English

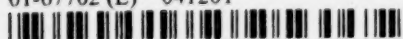
**General Assembly
Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East
Jerusalem and the rest of the Occupied
Palestinian Territory****Security Council
Fifty-sixth year****Letter dated 4 December 2001 from the Chairman of the
Committee on the Exercise of the Inalienable Rights of the
Palestinian People addressed to the Secretary-General**

In my capacity as Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, I would like to draw your attention, as a matter of extreme importance, to the dramatic worsening of the security situation in the past few days in the Occupied Palestinian Territory, including Jerusalem.

Last weekend, we were all shocked and dismayed over the deaths of innocent Israeli civilians. The Committee condemns such attacks on civilian population, irrespective of their origin, and considers that they should not be allowed to perpetuate.

At the same time, the Committee wishes to draw your most urgent attention to the continuing brutal and disproportionate suppression by the Israel Defence Forces of Palestinian protests against the Israeli occupation. Over decades, it has become absolutely clear that the international community considers the occupation both illegal and morally unacceptable. This has once again been illustrated by the overwhelming majority of votes cast yesterday in favour of General Assembly resolution 56/36, entitled "Peaceful settlement of the question of Palestine". It is also evident that a broad consensus has emerged with respect to the need for the exercise by the Palestinian people of their inalienable rights, primarily the right to self-determination and the right to establish their independent State.

The Committee remains gravely concerned over Israel's continued reliance on its military might, recurrent incursions of the Israel Defence Forces into Palestinian-controlled areas, expansion of settlements and their infrastructure, demolition of Palestinian houses and other property, extrajudicial assassinations of Palestinian officials and activists, stifling economic blockades of the Palestinian territory, and the angry and frustrated response on the part of the Palestinian people. These policies and actions are bound to undo years of laborious and very complex peace efforts by the parties and the co-sponsors of the peace process.



To prevent this and the concomitant further escalation of violence and suffering for both peoples from happening, we call upon the parties to refrain from acts of mutual recrimination, violence and counter-violence, and return to the fold of the peace process. For that, both sides will have to implement fully and without delay the Mitchell Committee recommendations and the Tenet understandings. As the parties are likely to continue to experience confidence-related problems, as they have in the past, the assistance of the co-sponsors, the European Union and yourself remains as critical as ever.

Also, as the source of continual tension between the two sides lies in the illegal Israeli occupation, we support the idea of convening another meeting of the High Contracting Parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, in order to look into Israel's compliance with the provisions of international humanitarian law and ways of protecting the Palestinian civilian population. It is also our firm belief that the Security Council, with its primary concern for the maintenance of international peace and security, as stipulated in the United Nations Charter, has a responsibility to engage itself in the matter with a view to preventing any further escalation of the situation and widening of the conflict.

I should be grateful if you would have the present letter circulated as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(Signed) Papa Louis Fall
Chairman
Committee on the Exercise of the Inalienable Rights
of the Palestinian People

**Security Council**

Distr.: General
4 December 2001
English
Original: Arabic and English

**Letter dated 4 December 2001 from the Permanent Representative
of the Sudan to the United Nations addressed to the President of
the Security Council**

On instructions from my Government, I have the honour to enclose herewith the final communiqué issued by the African mini-summit on peace and stability in the Central African Republic, which was held at Khartoum on Monday, 3 December 2001 (see annex).

I should be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(Signed) Elfatih Erwa
Permanent Representative



Annex to the letter dated 4 December 2001 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council

[Original: Arabic and French]

Final communiqué of the African mini-summit on peace and stability in the Central African Republic held in Khartoum on 3 December 2001

1. On the initiative of His Excellency Lieutenant General Omer Hassan Ahmed Al-Bashir, President of the Republic of the Sudan and Chairman of the current session of the Community of Sahelo-Saharan States (CEN-SAD), and at his kind invitation, and in conformity with the decisions of the Assembly of Heads of State and Government of the Organization of African Unity (OAU) adopted in Algiers in 1999 and Lusaka in 2001 rejecting non-constitutional changes of government in Africa and rejecting changes of regime by force, as affirmed in the Constitutive Act of the African Union, an African mini-summit was convened in Khartoum, capital of the Sudan, on 3 December 2001 to discuss modalities for the achievement of peace and stability in the Central African Republic.

2. The participants in the summit were:

President Omer Hassan Ahmed Al-Bashir of the Republic of the Sudan, current Chairman of CEN-SAD;

Dr. Frederick J. T. Chiluba, President of the Republic of Zambia and current Chairman of OAU;

President Idriss Deby of the Republic of Chad;

President Ange-Félix Patassé of the Central African Republic;

And Major General Abu Bakr Yunus, member of the historic leadership of the great 1 September revolution and Secretary of the Interim General Committee for Defence [of the Libyan Arab Jamahiriya].

3. Also participating in the mini-summit were: Mr. Amara Essy, Secretary-General of OAU; Dr. Muhammad al-Madani al-Azhari, Secretary-General of CEN-SAD; and Mr. Lamine Cissé, Representative of the Secretary-General of the United Nations in the Central African Republic.

4. Lieutenant General Omer Hassan Ahmed Al-Bashir, President of the Republic of the Sudan and current Chairman of CEN-SAD, opened the summit with an address of welcome to the presidents and delegations participating in the summit. He wished them a pleasant stay in the Sudan and thanked them for their immediate response and their participation in the summit, stating that their presence confirmed their interest in achieving peace and stability in the Central African Republic. He also reviewed the dimensions of the crisis and their repercussions on the countries of the region and on all parts of the African continent.

5. Dr. Frederick J. T. Chiluba, President of the Republic of Zambia and current Chairman of OAU, addressed the opening session and expressed his gratitude and appreciation to the Government of the Sudan for its kind hospitality, the warm reception received and its initiative in convening the mini-summit. He affirmed that

the people of the African continent were capable of solving their problems, and he appealed to the Central African parties to renounce violence and have recourse to dialogue and negotiation for the settlement of the political and economic problems from which their countries were suffering. Speaking in his capacity as current Chairman of OAU, he expressed his readiness to make every effort, in coordination with the Chairman of CEN-SAD, to achieve security and stability in Central Africa.

6. At the first session, His Excellency President Ange-Félix Patassé of the Central African Republic reviewed developments in the situation in his country, focusing in particular on the crisis under way since the attempted coup of May 2001. He also voiced the expectation that the mini-summit would adopt effective decisions that would help bolster security, stability and peace and enable Central Africa to cope with the economic problems from which it was suffering.

7. After the survey of the situation in the Central African Republic presented by President Ange-Félix Patassé, the session was addressed by President Idriss Deby of the Republic of Chad. He stated that his country was interested in the developments in Central Africa because it was a neighbouring State. He urged the summit to take constructive decisions that would help to achieve peace and stability in Central Africa. The session was also addressed by Major General Abu Bakr Yunus, member of the historic leadership of the great 1 September revolution and Secretary of the Interim General Committee for Defence. He indicated that the international leader Colonel Muammar Al-Qadhafi had been interested in the convening of the summit as having been commissioned by CEN-SAD to oversee security and peace within the Community and given his sustained commitment to the stability of the situation in Central Africa.

8. The session was also addressed by Mr. Amara Essy, Secretary-General of OAU, who expressed his appreciation for the initiative taken by the Sudan in convening the summit and gave an account of the meeting of the OAU Mechanism for the Prevention, Management and Resolution of Conflicts in Africa recently held in Addis Ababa to discuss the situation in the Central African Republic. Dr. Muhammad al-Madani al-Azhari, Secretary-General of CEN-SAD, and Mr. Lamine Cissé, Representative of the Secretary-General of the United Nations in the Central African Republic, also addressed the session. They stressed the importance of the matter under consideration, appealing to the Central African parties to renounce violence and achieve reconciliation and expressing the readiness of their respective organizations to provide all possible support for the achievement of security and stability in Central Africa.

9. After a thorough discussion characterized by transparency and vigour, the African mini-summit decided as follows:

1. To establish, for an interim period, a force to keep the peace, ensure security and achieve stability in Central Africa under the auspices of President Omer Hassan Ahmed Al-Bashir, current Chairman of CEN-SAD, and of Colonel Muammar Al-Qadhafi by virtue of his responsibility for the achievement of security and peace within the Community, and to do so in coordination with President Ange-Félix Patassé of the Central African Republic and in consultation with the United Nations. The Secretary-General of OAU will also invite the Central Organ of the OAU Mechanism for Conflict Prevention, Management and Resolution to take a decision in this regard. A committee of those concerned will discuss the details of the force, and the

summit will also appeal to the United Nations, OAU and friendly countries to provide the force with every possible form of support.

2. To form a political committee of the ministers for foreign affairs of the Sudan, Chad, Libya, Burkina Faso and Gabon, the Secretary-General of OAU, the Representative of the Secretary-General of the United Nations and the Secretary-General of CEN-SAD, the latter to serve as secretary of the committee, in order to maintain contacts with a view to achieving national conciliation in Central Africa.

3. (a) To establish a fund to provide urgent support to Central Africa under the auspices of the Secretary-General of CEN-SAD in order to mobilize support from States members of CEN-SAD and from regional and international organizations.

(b) To instruct the CEN-SAD African Development Bank to cooperate with banks operating in Africa and regional and international banks in commencing a programme to address the economic situation in Central Africa in an ongoing manner by means of investments and the establishment of infrastructure projects.

4. To request President Ange-Félix Patassé to facilitate a general amnesty.

10. The summit welcomed the invitation extended by the Government of the Central African Republic to nationals outside the country, including opposition members and others, especially in the neighbouring countries, to return to their homeland and also welcomed its undertaking to provide all necessary facilities for this purpose. It further appealed to the United Nations and its specialized agencies to help in the voluntary return of refugees and in their resettlement.

**General Assembly
Security Council**Distr.: General
4 December 2001

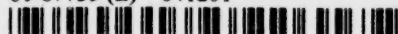
Original: English

**General Assembly
Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and
the rest of the Occupied Palestinian Territory****Security Council
Fifty-sixth year****Identical letters dated 4 December 2001 from the Permanent
Observer of Palestine to the United Nations addressed to the
Secretary-General and the President of the Security Council**

Israel, the occupying Power, has started yet another chapter in its bloody military campaign against the Palestinian people, which began over a year ago on 28 September 2000. Yesterday, 3 December 2001, Israeli helicopter gunships fired missiles at a heliport in a presidential compound in Gaza, destroying helicopters belonging to the Palestinian Authority and other facilities in the compound. In the early morning hours of that day, Israeli tanks and bulldozers also entered the vicinity of Gaza International Airport and destructed the main runway. Israeli occupying forces also used helicopter gunships and F-16 fighter planes to bombard several Palestinian security installations and ministry buildings throughout Gaza City and in the city of Jenin.

Today, Israeli occupying forces continued those attacks, targeting buildings of the Palestinian Authority in Ramallah, where they fired missiles at facilities less than 50 metres away from the headquarters of President Arafat while he was there. In addition to the attacks on Ramallah, Israeli helicopters and warplanes carried out attacks on Palestinian sites in Khan Yunis, Tulkarem, Qalqilya and Nablus. Israeli occupying forces also moved their tanks and armoured personnel carriers far into areas under full Palestinian control, reoccupying parts of those areas and imposing a virtual siege on several Palestinian cities. The attacks by the occupying Power have all targeted facilities located in residential Palestinian neighbourhoods, causing a high number of injuries, wreaking vast physical destruction, and intensifying fear and panic among the Palestinian people. Moreover, the Israeli assaults today killed four people, including a 15-year-old Palestinian boy and a Palestinian security officer, increasing the Palestinian death toll.

All of the above actions have been coupled with a wave of belligerent statements by Israeli officials, including statements by Mr. Ariel Sharon, declaring war and war-like activities against the Palestinian Authority and the Palestinian people. Israel attempts to present all of the atrocities and war crimes it is committing as part of a campaign against terrorism and, at the same time, while it commits those



atrocities, it expects the Palestinian Authority to be able to fulfil its responsibilities in the security arena. This is absurd since Israeli military actions can only ensure the failure of any efforts to bring about a better security situation and can only serve to create more hatred and more violence and escalate tensions. Mr. Sharon has always been publicly against achieving a peaceful settlement and against implementing the recommendations of the Mitchell Committee and any serious attempts to end the current situation. Although on the Palestinian side there may be some extremists who do not want peace, on the Israeli side it is actually the Prime Minister himself who clearly does not want peace.

As the situation in the Occupied Palestinian Territory, including Jerusalem, continues to deteriorate, with increasing danger to the lives of the Palestinian people and to the stability of the entire region, it is incumbent upon the international community and the Security Council in particular to bear their responsibilities. Urgent action must be undertaken by the Security Council to bring the situation under control and bring an immediate end to the dramatic escalation of Israel's political and military attacks against the Palestinian people and the Palestinian Authority.

In follow-up to my previous 82 letters to you regarding this grave situation in the Occupied Palestinian Territory, including Jerusalem, dated from 29 September 2000 to 27 November 2001 (A/55/432-S/2000/921; A/55/437-S/2000/930; A/55/450-S/2000/957; A/55/466-S/2000/971; A/55/474-S/2000/984; A/55/490-S/2000/993; A/ES-10/39-S/2000/1015; A/ES-10/40-S/2000/1025; A/ES-10/42-S/2000/1068; A/ES-10/43-S/2000/1078; A/ES-10/44-S/2000/1093; A/ES-10/45-S/2000/1104; A/ES-10/46-S/2000/1107; A/ES-10/47-S/2000/1116; A/ES-10/48-S/2000/1129; A/ES-10/49-S/2000/1154; A/ES-10/50-S/2000/1173; A/ES-10/51-S/2000/1185; A/ES-10/52-S/2000/1206; A/ES-10/53-S/2000/1247; A/ES-10/54-S/2001/7; A/ES-10/55-S/2001/33; A/ES-10/56-S/2001/50; A/ES-10/57-S/2001/101; A/ES-10/58-S/2001/131; A/ES-10/59-S/2001/156; A/ES-10/60-S/2001/175; A/ES-10/61-S/2001/189; A/ES-10/64-S/2001/209; A/ES-10/65-S/2001/226; A/ES-10/66-S/2001/239; A/ES-10/67-S/2001/255; A/ES-10/68-S/2001/284; A/ES-10/69-S/2001/295; A/ES-10/70-S/2001/304; A/ES-10/71-S/2001/314; A/ES-10/72-S/2001/332; A/ES-10/75-S/2001/352; A/ES-10/76-S/2001/372; A/ES-10/79-S/2001/418; A/ES-10/80-S/2001/432; A/ES-10/81-S/2001/447; A/ES-10/82-S/2001/463; A/ES-10/83-S/2001/471; A/ES-10/84-S/2001/479; A/ES-10/85-S/2001/486; A/ES-10/86-S/2001/496; A/ES-10/87-S/2001/504; A/ES-10/88-S/2001/508; A/ES-10/89-S/2001/544; A/ES-10/90-S/2001/586; A/ES-10/91-S/2001/605; A/ES-10/92-S/2001/629; A/ES-10/93-S/2001/657; A/ES-10/94-S/2001/669; A/ES-10/95-S/2001/686; A/ES-10/96-S/2001/697; A/ES-10/97-S/2001/708; A/ES-10/98-S/2001/717; A/ES-10/99-S/2001/742; A/ES-10/100-S/2001/754; A/ES-10/101-S/2001/783; A/ES-10/102-S/2001/785; A/ES-10/103-S/2001/798; A/ES-10/104-S/2001/812; A/ES-10/105-S/2001/814; A/ES-10/107-S/2001/821; A/ES-10/108-S/2001/826; A/ES-10/111-S/2001/880; A/ES-10/112-S/2001/918; A/ES-10/114-S/2001/928; A/ES-10/115-S/2001/932; A/ES-10/116-S/2001/941; A/ES-10/117-S/2001/971; A/ES-10/118-S/2001/989; A/ES-10/119-S/2001/991; A/ES-10/121-S/2001/1007; A/ES-10/122-S/2001/1024; A/ES-10/123-S/2001/1036; A/ES-10/124-S/2001/1084; A/ES-10/125-S/2001/1092; and A/ES-10/126-S/2001/1118), I regret to inform you that since my last letter to you on 27 November 2001, 12 more Palestinians have been killed by the Israeli occupying forces (the names of the martyrs are contained in the annex to the present letter),

bringing the total number of Palestinians killed since 28 September 2000 to 789 martyrs.

I would be grateful if you would arrange to have the text of the present letter and its annex distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(Signed) Dr. Nasser **Al-Kidwa**
Ambassador, Permanent Observer of Palestine to the United Nations

**Annex to the identical letters dated 4 December 2001 from
the Permanent Observer of Palestine to the United Nations
addressed to the Secretary-General and the President of the
Security Council**

**Names of martyrs killed by Israeli occupying forces in the
Occupied Palestinian Territory, including Jerusalem*
(Thursday, 29 November 2001 through Tuesday, 4 December 2001)**

Thursday, 29 November 2001

1. Saeed Rashad Abdel Rahman Mihana
2. Ramy Mohammed Mansour

Sunday, 2 December 2001

1. Ramy Asous (12 years old)
2. Ahmed Abu Shahla (10 years old)

Monday, 3 December 2001

1. Raafat Bajali
2. Yehia Mohamed Abu 'Abid
3. Mohammed Subhi Sunjaq

Tuesday, 4 December 2001

1. Nidal Al Derabani (died from wounds sustained on 3 December 2001)
2. Amjad Al Toubasi
3. Mohammed Ahmed Siyam
4. Mohammed Abu Marsa (15 years old)
5. Mohammed Abu Taqiah

* The total number of Palestinian martyrs killed by Israeli occupying forces since 28 September 2000 is 789.

**General Assembly
Security Council**Distr.: General
4 December 2001

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**General Assembly
Fifty-sixth session**

Agenda item 166

Measures to eliminate international terrorism**Security Council
Fifty-sixth year****Letter dated 4 December 2001 from the Permanent Representative
of Israel to the United Nations addressed to the Secretary-General**

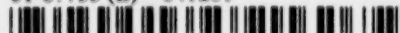
I wish to draw your attention to a series of devastating Palestinian terrorist attacks that occurred this past weekend.

This past Saturday evening (1 December 2001), in a well-coordinated attack, two Palestinian suicide bombers detonated their charges in a crowded pedestrian mall in the heart of Jerusalem. At the time of the blast, the mall was packed with civilians, many of them teenagers and children, sitting at outdoor cafes and patronizing shops, restaurants and discos. Several minutes later, a car bomb exploded in a nearby alley. The third bomb was clearly intended to harm the medical workers and rescue personnel that had arrived on the scene to tend to the wounded. In total, 10 Israelis between the ages of 14 and 20 were killed and 180 were wounded, several of them seriously. The names of the murdered Israelis are contained in the annex to the present letter.

Barely 12 hours later, at approximately noon (local time), a Palestinian terrorist with more than 10 kilograms of explosives strapped to his body boarded a public bus in the northern Israeli city of Haifa and detonated his charges. The blast completely destroyed the bus and killed 15 civilians and wounded 38 others, several of them seriously. The names of those killed in this terrorist attack are also contained in the annex to the present letter.

In yet another attack, on Sunday morning Professor Baruch Singer, age 51, was shot and killed, and several others were wounded, by two Palestinian terrorists disguised as Israeli soldiers. After killing Professor Singer, the terrorists continued shooting at other passing vehicles until they were stopped by Israeli security forces.

On its web site, the terrorist organization Hamas proudly claimed responsibility for the attacks carried out by two of the organizations' "lions", the result of which was that "Zionist remains were scattered everywhere". The statement continued: "Last night two lions of the Qassam Brigades, the heroes Nabil Amre Halabiya and Osama Mohammed Eid, ignited three explosions that rocked the heart of Al-Quds [Jerusalem], resulting in scores of dead and wounded. Death



haunted Zionists from various locations, burning scores and even hundreds of them, destroying and killing more than 20 Zionists and wounding hundreds according to the enemy's own reports".

I submit the present letter to you in follow-up to the scores of others I have submitted detailing the Palestinian terrorist atrocities of the past 14 months. Previous Palestinian attacks have been detailed in my letters dated 27 November 2001 (A/56/663-S/2001/1121), 12 November 2001 (A/56/617-S/2001/1071), 5 November 2001 (A/56/604-S/2001/1048), 24 October 2001 (A/56/506-S/2001/1011), 19 October 2001 (A/56/492-S/2001/990), 17 October 2001 (A/56/483-S/2001/975), 8 October 2001 (A/56/450-S/2001/948), 5 October 2001 (A/56/444-S/2001/943), 3 October 2001 (A/56/438-S/2001/938), 24 September 2001 (A/56/406-S/2001/907), 20 September 2001 (A/56/386-S/2001/892), 17 September 2001 (A/56/367-S/2001/875), 7 September 2001 (A/56/346-S/2001/858), 4 September 2001 (A/56/331-S/2001/840), 30 August 2001 (A/56/325-S/2001/834), 27 August 2001 (A/56/324-S/2001/825), 13 August 2001 (A/56/294-S/2001/787), 9 August 2001 (A/56/286-S/2001/780), 8 August 2001 (A/56/280-S/2001/775), 6 August 2001 (A/56/272-S/2001/768), 27 July 2001 (A/56/225-S/2001/743), 26 July 2001 (A/56/223-S/2001/737), 17 July 2001 (A/56/201-S/2001/706), 13 July 2001 (A/56/184-S/2001/696), 3 July 2001 (A/56/138-S/2001/662), 2 July 2001 (A/56/131-S/2001/656), 21 June 2001 (A/56/119-S/2001/619), 19 June 2001 (A/56/98-S/2001/611), 18 June 2001 (A/56/97-S/2001/604), 13 June 2001 (A/56/92-S/2001/585), 11 June 2001 (A/56/91-S/2001/580), 4 June 2001 (A/56/85-S/2001/555), 30 May 2001 (A/56/81-S/2001/540), 25 May 2001 (A/56/80-S/2001/524), 18 May 2001 (A/56/78-S/2001/506), 11 May 2001 (A/56/72-S/2001/473), 9 May 2001 (A/56/69-S/2001/459), 1 May 2001 (A/55/924-S/2001/435), 23 April 2001 (A/55/910-S/2001/396), 16 April 2001 (A/55/901-S/2001/364), 28 March 2001 (A/55/863-S/2001/291), 27 March 2001 (A/55/860-S/2001/280), 26 March 2001 (A/55/858-S/2001/278), 19 March 2001 (A/55/842-S/2001/244), 5 March 2001 (A/55/821-S/2001/193), 2 March 2001 (A/55/819-S/2001/187), 14 February 2001 (A/55/787-S/2001/137), 13 February 2001 (A/55/781-S/2001/132), 2 February 2001 (A/55/762-S/2001/103), 25 January 2001 (A/55/748-S/2001/81), 23 January 2001 (A/55/742-S/2001/71), 28 December 2000 (A/55/719-S/2000/1252), 22 November 2000 (A/55/641-S/2000/1114), 20 November 2000 (A/55/634-S/2000/1108) and 2 November 2000 (A/55/540-S/2000/1065).

The Government of Israel holds Chairman Yassir Arafat and the Palestinian Authority fully responsible for these attacks in the light of its continuing incitement of its people to violence, its support for and collusion with known terrorist entities, and its persistent refusal to take anything other than cursory action against the terrorist networks that it has permitted to take root and flourish in the territory under its control.

It should be noted that the Hamas terrorist organization is based in the Palestinian-controlled territories of the West Bank and Gaza Strip, receives support from the Islamic Republic of Iran and has recently opened an office in the Syrian capital of Damascus. In August, Chairman Arafat invited Hamas and other terrorist groups to join him in a governing coalition.

These attacks also cap a week of escalating terrorist activity that coincides with renewed American efforts to restore calm and security to the area in order to

pave the way for the renewal of a political process. Prior to the Jerusalem attack, nine Israelis were killed and scores of others were injured last week in four separate Palestinian terror attacks, several of them carried out by members of Chairman Arafat's own Fatah faction. The direct participation of members of Chairman Arafat's own Fatah faction in acts of terrorism has steadily increased over the past year.

Israel maintains that there can be no return to normalcy in the region until the Palestinian Authority fulfils its signed commitments to renounce the use of terror and violence. The Palestinian leadership has permitted a widespread terrorist network to prosper in its territory, a network that will continue to sow death and instability until it is fully dismantled and its leaders and members imprisoned. At a moment in history when we are all acutely aware of the danger that terrorism poses for freedom and democracy around the world, and as the international community reinvigorates its commitment to combating this scourge, it is intolerable that Palestinian territory remains rife with militant terrorist organizations committed to murdering civilians to advance its goals.

Chairman Arafat has repeatedly shown that he is only willing to move aggressively against terrorism when the pressure and the focus of the international community are overwhelming. Once that pressure relents, however, the situation reverts to one in which the deadly attacks of last weekend are possible. For Chairman Arafat's counter-terrorism measures to have any enduring effect, there must be enduring pressure that compels the Palestinian leadership to maintain their actions over the long term. And as long as Chairman Arafat shows that he cannot be relied upon to fulfil his role as a leader committed to peace and to the fight against terror, Israel will be forced to assume that role for itself.

Unless the Palestinian leadership sees that its complacency is a risk to its very legitimacy, Chairman Arafat's actions against terror will be merely cosmetic, designed only to appease the international community. The international community must therefore make it abundantly clear to the Palestinian leadership that its wilful inaction will not be tolerated and that any regime that lends its support to terrorism or allows its territory to serve as a haven for terrorist murderers is unwelcome in the family of civilized nations.

I should be grateful if you would arrange to have the text of the present letter circulated as a document of the fifty-sixth session of the General Assembly, under agenda item 166, and of the Security Council.

(Signed) Yehuda Lancry
Permanent Representative

Annex to the letter dated 4 December 2001 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General

Names of those killed by Palestinian terrorist attacks in Jerusalem and Haifa on 1 and 2 December 2001

1 December 2001

1. Assaf Avitan, age 15, of Jerusalem
2. Michael Moshe Dahan, age 21, of Jerusalem
3. Israel Ya'akov Danino, age 17, of Jerusalem
4. Yosef El-Ezra, age 18, of Jerusalem
5. Sgt. Nir Haftzadi, age 19, of Jerusalem
6. Yuri (Yoni) Korganov, age 20, of Ma'alei Adumim
7. Golan Turgeman, age 15, of Jerusalem
8. Guy Vaknin, age 19, of Jerusalem
9. Adam Weinstein, age 14, of Givon Hahadasha
10. Moshe Yedid-Levy, age 19, of Jerusalem

2 December 2001

1. Tatiana Borovik, age 23, of Haifa
 2. Mara Fishman, age 51, of Haifa
 3. Ina Frenkel, age 60, of Haifa
 4. Riki Hadad, age 30, of Yokne'am
 5. Ronen Kahalon, age 30, of Haifa
 6. Samion Kalik, age 64, of Haifa
 7. Mark Khotimliansky, age 75, of Haifa
 8. Cecilia Kozamin, age 76, of Haifa
 9. Yelena Lomakin, age 62, of Haifa
 10. Rosaria Reyes, age 42, of the Philippines
 11. Yitzhak Ringel, age 41, of Haifa
 12. Rassim Safulin, age 78, of Haifa
 13. Leah Strick, age 73, of Haifa
 14. Faina Zabiogailu, age 64, of Haifa
 15. Mikhail Zaraisky, age 71, of Haifa
-



Security Council

Distr.: General
5 December 2001

Original: English

Report by the Secretary-General concerning the credentials of the alternate representative of the Russian Federation on the Security Council

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received a note verbale dated 30 November 2001 from the Permanent Mission of the Russian Federation to the United Nations stating that Ilya Y. Avdeev has been appointed alternate representative of the Russian Federation on the Security Council.

In the opinion of the Secretary-General, that communication constitutes adequate provisional credentials.



**Security Council**

Distr.: General
6 December 2001

Original: English

Letter dated 4 December 2001 from the Ministers for Foreign Affairs of Cameroon, Ghana, Tunisia and Zimbabwe and from the Permanent Representative of Uganda to the United Nations addressed to the President of the Security Council

The five-member Committee established by the Organization of African Unity (OAU), for the follow-up to the Lockerbie issue has the pleasure to inform you that it held a meeting in New York on Tuesday, 13 November 2001, in which it discussed this issue.

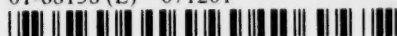
The Committee wishes the Security Council to take note of the following.

A solution had been reached for the Lockerbie issue in accordance with Security Council resolution 1192 (1998), which stipulated that the two suspects be tried before a Scottish Court sitting in the Netherlands and that, as soon as the suspects appeared before the Court, the sanctions imposed upon the Libyan Arab Jamahiriya would be suspended, subsequently to be lifted when the Secretary-General of the United Nations submitted the report requested from him under paragraph 16 of Security Council resolution 883 (1993).

The Committee emphasized the decisions taken by the African Summit Conferences held in Harare (1997), Ouagadougou (1998), Algeria (1999), Lomé (2000) and Lusaka (2001), all of which called for the lifting of the sanctions imposed on the Libyan Arab Jamahiriya and also noted that, despite the fact that the two suspects appeared before the Court, and that a period of almost two and a half years has elapsed since the submission of the above-mentioned report of the Secretary-General, which confirmed the full cooperation of the Libyan Arab Jamahiriya with the Court, and the pronouncement of the Court sentence on 31 January 2001, the Security Council has failed to lift the said sanctions.

The Organization of African Unity, which was a major party, together with the League of Arab States, in providing the solution that was reached, reiterates its deep regret that the Security Council has not adopted a resolution calling for the lifting of the sanctions imposed on the Libyan Arab Jamahiriya.

In this regard, the Libyan Arab Jamahiriya may rightfully look with suspicion and scepticism upon the procrastination in lifting the sanctions to which it is subjected, particularly after the Court decision has been issued. The said decision has, in fact, cast a shadow of doubt concerning the possible influence exerted by parties outside the legal framework of the Court. The Organization of African Unity



has equally the right to express its deep concern about the continuation of these sanctions.

While the five-member Committee reiterates its salutations to the Libyan Arab Jamahiriya for its cooperation with the Scottish Court and response to the relevant Security Council resolutions, and calls upon the Security Council to lift immediately and irrevocably the sanctions imposed on the Libyan Arab Jamahiriya.

Attached to the present letter, please find the decision of the Lusaka Conference in this respect (see annex).

We would be grateful if you could circulate the present letter and its annex as a document of the Security Council.

(Signed) François-Xavier **Ngoubeyou**
Minister for Foreign Affairs of Cameroon

(Signed) Hackman **Owusu-Agyemang**
Minister for Foreign Affairs of Ghana

(Signed) Habib Ben **Yahia**
Minister for Foreign Affairs of Tunisia

(Signed) Matia **Semakula Kiwanuka**
Ambassador and Permanent Representative of Uganda

(Signed) S. G. **Mudenge**
Minister for Foreign Affairs of Zimbabwe

Annex to the letter dated 4 December 2001 from the Ministers for Foreign Affairs of Cameroon, Ghana, Tunisia and Zimbabwe and from the Permanent Representative of Uganda to the United Nations addressed to the President of the Security Council

Decision on the Lockerbie issue

The Assembly:

1. TAKES NOTE of the Report;
2. RECALLS decision EAHG/Dec.3 (V) adopted by the 5th Extraordinary Session of the Assembly of Heads of State and Government, held in Sirte, Libyan Arab Jamahiriya, on 5 March 2001;
3. CALLS UPON the UN Security Council to immediately and definitively lift the unjust sanctions and suspend the embargo imposed on Libya and which has no legal or moral justification following the positive stand, civilized handling and great cooperation displayed by the Jamahiriya in dealing with this issue;
4. DEMANDS the immediate release of the Libyan citizen Abdel Basset Al-Megrahi who has been convicted for political reasons totally unrelated to law; his continued detention may be regarded as an abominable kidnapping under all applicable laws and customs;
5. REAFFIRMS the right of the Great Jamahiriya to compensation for the material and moral damage it has suffered;
6. REQUESTS the Secretary-General to initiate the necessary steps, including the mobilization of financial resources, for the establishment of the Commission of Jurists which was established by decision EAHG/Dec.3 (V) to follow up on all aspects related to the legal proceedings of the Lockerbie issue;
7. RECOMMENDS that the Current Chairman and other members of his Bureau make use of their good offices to undertake the necessary contacts with all the concerned parties with a view to ensuring a speedy and satisfactory resolution of the issue.



Security Council

Distr.: General
6 December 2001

Original: English and French

Draft resolution

The Security Council,

Reaffirming its previous resolutions on Afghanistan, in particular its resolution 1378 (2001) of 14 November 2001,

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and national unity of Afghanistan,

Stressing the inalienable right of the Afghan people themselves freely to determine their own political future,

Determined to help the people of Afghanistan to bring to an end the tragic conflicts in Afghanistan and promote national reconciliation, lasting peace, stability and respect for human rights, as well as to cooperate with the international community to put an end to the use of Afghanistan as a base for terrorism,

Welcoming the letter of 5 December 2001 from the Secretary-General informing the Council of the signature in Bonn on 5 December 2001 of the Agreement on provisional arrangements in Afghanistan pending the re-establishment of permanent government institutions (S/2001/1154),

Noting that the provisional arrangements are intended as a first step towards the establishment of a broad-based, gender sensitive, multi-ethnic and fully representative government,

1. *Endorses* the Agreement on provisional arrangements in Afghanistan pending the re-establishment of permanent government institutions as reported in the Secretary-General's letter of 5 December 2001;

2. *Calls on* all Afghan groups to implement this Agreement in full, in particular through full cooperation with the Interim Authority which is due to take office on 22 December 2001;

3. *Reaffirms* its full support to the Special Representative of the Secretary-General and endorses the missions entrusted to him in annex 2 of the above-mentioned Agreement;

4. *Declares* its willingness to take further action, on the basis of a report by the Secretary-General, to support the interim institutions established by the above-mentioned Agreement and, in due course, to support the implementation of the Agreement and its annexes;



5. *Calls on* all Afghan groups to support full and unimpeded access by humanitarian organizations to people in need and to ensure the safety and security of humanitarian workers;

6. *Calls on* all bilateral and multilateral donors, in coordination with the Special Representative of the Secretary-General, United Nations Agencies and all Afghan groups, to reaffirm, strengthen and implement their commitment to assist with the rehabilitation, recovery and reconstruction of Afghanistan, in coordination with the Interim Authority and as long as the Afghan groups fulfil their commitments;

7. *Decides* to remain actively seized of the matter.



Security Council

Distr.: General
5 December 2001

Original: English

Letter dated 5 December 2001 from the Secretary-General addressed to the President of the Security Council

As you are aware, the delegations participating in the United Nations talks on Afghanistan today signed in Bonn the "Agreement on Provisional Arrangements in Afghanistan Pending the Re-establishment of Permanent Government Institutions".

I have the honour to provide you with a copy of the text of the Agreement. I would be most grateful if you would bring it to the attention of the members of the Security Council.

I shall keep you informed about further developments regarding Afghanistan.

(Signed) Kofi A. Annan



AGREEMENT ON PROVISIONAL ARRANGEMENTS IN AFGHANISTAN
PENDING THE RE-ESTABLISHMENT
OF PERMANENT GOVERNMENT INSTITUTIONS

The participants in the UN Talks on Afghanistan,

In the presence of the Special Representative of the Secretary-General for Afghanistan,

Determined to end the tragic conflict in Afghanistan and promote national reconciliation, lasting peace, stability and respect for human rights in the country,

Reaffirming the independence, national sovereignty and territorial integrity of Afghanistan,

Acknowledging the right of the people of Afghanistan to freely determine their own political future in accordance with the principles of Islam, democracy, pluralism and social justice,

Expressing their appreciation to the Afghan mujahidin who, over the years, have defended the independence, territorial integrity and national unity of the country and have played a major role in the struggle against terrorism and oppression, and whose sacrifice has now made them both heroes of jihad and champions of peace, stability and reconstruction of their beloved homeland, Afghanistan,

Aware that the unstable situation in Afghanistan requires the implementation of emergency interim arrangements and *expressing* their deep appreciation to His Excellency Professor Burhanuddin Rabbani for his readiness to transfer power to an interim authority which is to be established pursuant to this agreement,

Recognizing the need to ensure broad representation in these interim arrangements of all segments of the Afghan population, including groups that have not been adequately represented at the UN Talks on Afghanistan,

Noting that these interim arrangements are intended as a first step toward the establishment of a broad-based, gender-sensitive, multi-ethnic and fully representative government, and are not intended to remain in place beyond the specified period of time,

Recognizing that some time may be required for a new Afghan security force to be fully constituted and functional and that therefore other security provisions detailed in Annex I to this agreement must meanwhile be put in place,

Considering that the United Nations, as the internationally recognized impartial institution, has a particularly important role to play, detailed in Annex II to this agreement, in the period prior to the establishment of permanent institutions in Afghanistan,

Have agreed as follows:

THE INTERIM AUTHORITY

I. General provisions

- 1) An Interim Authority shall be established upon the official transfer of power on 22 December 2001.
- 2) The Interim Authority shall consist of an Interim Administration presided over by a Chairman, a Special Independent Commission for the Convening of the Emergency Loya Jirga, and a Supreme Court of Afghanistan, as well as such other courts as may be established by the Interim Administration. The composition, functions and governing procedures for the Interim Administration and the Special Independent Commission are set forth in this agreement.
- 3) Upon the official transfer of power, the Interim Authority shall be the repository of Afghan sovereignty, with immediate effect. As such, it shall, throughout the interim period, represent Afghanistan in its external relations and shall occupy the seat of Afghanistan at the United Nations and in its specialized agencies, as well as in other international institutions and conferences.
- 4) An Emergency Loya Jirga shall be convened within six months of the establishment of the Interim Authority. The Emergency Loya Jirga will be opened by His Majesty Mohammed Zaher, the former King of Afghanistan. The Emergency Loya Jirga shall decide on a Transitional Authority, including a broad-based transitional administration, to lead Afghanistan until such time as a fully representative government can be elected through free and fair elections to be held no later than two years from the date of the convening of the Emergency Loya Jirga.
- 5) The Interim Authority shall cease to exist once the Transitional Authority has been established by the Emergency Loya Jirga.
- 6) A Constitutional Loya Jirga shall be convened within eighteen months of the establishment of the Transitional Authority, in order to adopt a new constitution for Afghanistan. In order to assist the Constitutional Loya Jirga prepare the proposed Constitution, the Transitional Administration shall, within two months of its commencement and with the assistance of the United Nations, establish a Constitutional Commission.

II. Legal framework and judicial system

- 1) The following legal framework shall be applicable on an interim basis until the adoption of the new Constitution referred to above:
 - i) The Constitution of 1964, a/ to the extent that its provisions are not inconsistent with those contained in this agreement, and b/ with the exception of those provisions relating to the monarchy and to the executive and legislative bodies provided in the Constitution; and
 - ii) existing laws and regulations, to the extent that they are not inconsistent with this agreement or with international legal obligations to which Afghanistan is a party, or with those applicable provisions contained in the Constitution of

1964, provided that the Interim Authority shall have the power to repeal or amend those laws and regulations.

- 2) The judicial power of Afghanistan shall be independent and shall be vested in a Supreme Court of Afghanistan, and such other courts as may be established by the Interim Administration. The Interim Administration shall establish, with the assistance of the United Nations, a Judicial Commission to rebuild the domestic justice system in accordance with Islamic principles, international standards, the rule of law and Afghan legal traditions.

III. Interim Administration

A. *Composition*

- 1) The Interim Administration shall be composed of a Chairman, five Vice Chairmen and 24 other members. Each member, except the Chairman, may head a department of the Interim Administration.
- 2) The participants in the UN Talks on Afghanistan have invited His Majesty Mohammed Zaher, the former King of Afghanistan, to chair the Interim Administration. His Majesty has indicated that he would prefer that a suitable candidate acceptable to the participants be selected as the Chair of the Interim Administration.
- 3) The Chairman, the Vice Chairmen and other members of the Interim Administration have been selected by the participants in the UN Talks on Afghanistan, as listed in Annex IV to this agreement. The selection has been made on the basis of professional competence and personal integrity from lists submitted by the participants in the UN Talks, with due regard to the ethnic, geographic and religious composition of Afghanistan and to the importance of the participation of women.
- 4) No person serving as a member of the Interim Administration may simultaneously hold membership of the Special Independent Commission for the Convening of the Emergency Loya Jirga.

B. *Procedures*

- 1) The Chairman of the Interim Administration, or in his/her absence one of the Vice Chairmen, shall call and chair meetings and propose the agenda for these meetings.
- 2) The Interim Administration shall endeavour to reach its decisions by consensus. In order for any decision to be taken, at least 22 members must be in attendance. If a vote becomes necessary, decisions shall be taken by a majority of the members present and voting, unless otherwise stipulated in this agreement. The Chairman shall cast the deciding vote in the event that the members are divided equally.

C. *Functions*

- 1) The Interim Administration shall be entrusted with the day-to-day conduct of the affairs of state, and shall have the right to issue decrees for the peace, order and good government of Afghanistan.
- 2) The Chairman of the Interim Administration or, in his/her absence, one of the Vice Chairmen, shall represent the Interim Administration as appropriate.
- 3) Those members responsible for the administration of individual departments shall also be responsible for implementing the policies of the Interim Administration within their areas of responsibility.
- 4) Upon the official transfer of power, the Interim Administration shall have full jurisdiction over the printing and delivery of the national currency and special drawing rights from international financial institutions. The Interim Administration shall establish, with the assistance of the United Nations, a Central Bank of Afghanistan that will regulate the money supply of the country through transparent and accountable procedures.
- 5) The Interim Administration shall establish, with the assistance of the United Nations, an independent Civil Service Commission to provide the Interim Authority and the future Transitional Authority with shortlists of candidates for key posts in the administrative departments, as well as those of governors and uluswals; in order to ensure their competence and integrity.
- 6) The Interim Administration shall, with the assistance of the United Nations, establish an independent Human Rights Commission, whose responsibilities will include human rights monitoring, investigation of violations of human rights, and development of domestic human rights institutions. The Interim Administration may, with the assistance of the United Nations, also establish any other commissions to review matters not covered in this agreement.
- 7) The members of the Interim Administration shall abide by a Code of Conduct elaborated in accordance with international standards.
- 8) Failure by a member of the Interim Administration to abide by the provisions of the Code of Conduct shall lead to his/her suspension from that body. The decision to suspend a member shall be taken by a two-thirds majority of the membership of the Interim Administration on the proposal of its Chairman or any of its Vice Chairmen.
- 9) The functions and powers of members of the Interim Administration will be further elaborated, as appropriate, with the assistance of the United Nations.

IV. The Special Independent Commission for the Convening of the Emergency Loya Jirga

- 1) The Special Independent Commission for the Convening of the Emergency Loya Jirga shall be established within one month of the establishment of the Interim Authority. The Special Independent Commission will consist of twenty-one members, a number

of whom should have expertise in constitutional or customary law. The members will be selected from lists of candidates submitted by participants in the UN Talks on Afghanistan as well as Afghan professional and civil society groups. The United Nations will assist with the establishment and functioning of the commission and of a substantial secretariat.

- 2) The Special Independent Commission will have the final authority for determining the procedures for and the number of people who will participate in the Emergency Loya Jirga. The Special Independent Commission will draft rules and procedures specifying (i) criteria for allocation of seats to the settled and nomadic population residing in the country; (ii) criteria for allocation of seats to the Afghan refugees living in Iran, Pakistan, and elsewhere, and Afghans from the diaspora; (iii) criteria for inclusion of civil society organizations and prominent individuals, including Islamic scholars, intellectuals, and traders, both within the country and in the diaspora. The Special Independent Commission will ensure that due attention is paid to the representation in the Emergency Loya Jirga of a significant number of women as well as all other segments of the Afghan population.
- 3) The Special Independent Commission will publish and disseminate the rules and procedures for the convening of the Emergency Loya Jirga at least ten weeks before the Emergency Loya Jirga convenes, together with the date for its commencement and its suggested location and duration.
- 4) The Special Independent Commission will adopt and implement procedures for monitoring the process of nomination of individuals to the Emergency Loya Jirga to ensure that the process of indirect election or selection is transparent and fair. To pre-empt conflict over nominations, the Special Independent Commission will specify mechanisms for filing of grievances and rules for arbitration of disputes.
- 5) The Emergency Loya Jirga will elect a Head of the State for the Transitional Administration and will approve proposals for the structure and key personnel of the Transitional Administration.

V. Final provisions

- 1) Upon the official transfer of power, all mujahidin, Afghan armed forces and armed groups in the country shall come under the command and control of the Interim Authority, and be reorganized according to the requirements of the new Afghan security and armed forces.
- 2) The Interim Authority and the Emergency Loya Jirga shall act in accordance with basic principles and provisions contained in international instruments on human rights and international humanitarian law to which Afghanistan is a party.
- 3) The Interim Authority shall cooperate with the international community in the fight against terrorism, drugs and organized crime. It shall commit itself to respect international law and maintain peaceful and friendly relations with neighbouring countries and the rest of the international community.

- 4) The Interim Authority and the Special Independent Commission for the Convening of the Emergency Loya Jirga will ensure the participation of women as well as the equitable representation of all ethnic and religious communities in the Interim Administration and the Emergency Loya Jirga.
- 5) All actions taken by the Interim Authority shall be consistent with Security Council resolution 1378 (14 November 2001) and other relevant Security Council resolutions relating to Afghanistan.
- 6) Rules of procedure for the organs established under the Interim Authority will be elaborated as appropriate with the assistance of the United Nations.

This agreement, of which the annexes constitute an integral part, done in Bonn on this 5th day of December 2001 in the English language, shall be the authentic text, in a single copy which shall remain deposited in the archives of the United Nations. Official texts shall be provided in Dari and Pashto, and such other languages as the Special Representative of the Secretary-General may designate. The Special Representative of the Secretary-General shall send certified copies in English, Dari and Pashto to each of the participants.

For the participants in the UN Talks on Afghanistan:

Ms. Amena Afzali

Mr. S. Hussain Anwari

Mr. Hedayat Amin Arsala

Mr. Sayed Hamed Gailani

Mr. Rahmatullah Mousa Ghazi

Eng. Abdul Hakim

Mr. Houmayoun Jareer

Mr. Abbas Karimi

Mr. Mustafa Kazimi

Dr. Azizullah Ludin

Mr. Ahmad Wali Massoud

Mr. Hafizullah Asif Mohseni

Prof. Mohammad Ishaq Nadiri

Mr. Mohammad Natiqi

S/2001/1154

Mr. Yunus Qanooni

Dr. Zalmay Rassoul

Mr. H. Mirwais Sadeq

Dr. Mohammad Jalil Shams

Prof. Abdul Sattar Sirat

Mr. Humayun Tandar

Mrs. Sima Wali

General Abdul Rahim Wardak

Mr. Pacha Khan Zadran

Witnessed for the United Nations by:

Mr. Lakhdar Brahimi

Special Representative of the Secretary-General for Afghanistan

ANNEX I

INTERNATIONAL SECURITY FORCE

1. The participants in the UN Talks on Afghanistan recognize that the responsibility for providing security and law and order throughout the country resides with the Afghans themselves. To this end, they pledge their commitment to do all within their means and influence to ensure such security, including for all United Nations and other personnel of international governmental and non-governmental organizations deployed in Afghanistan.
2. With this objective in mind, the participants request the assistance of the international community in helping the new Afghan authorities in the establishment and training of new Afghan security and armed forces.
3. Conscious that some time may be required for the new Afghan security and armed forces to be fully constituted and functioning, the participants in the UN Talks on Afghanistan request the United Nations Security Council to consider authorizing the early deployment to Afghanistan of a United Nations mandated force. This force will assist in the maintenance of security for Kabul and its surrounding areas. Such a force could, as appropriate, be progressively expanded to other urban centres and other areas.
4. The participants in the UN Talks on Afghanistan pledge to withdraw all military units from Kabul and other urban centers or other areas in which the UN mandated force is deployed. It would also be desirable if such a force were to assist in the rehabilitation of Afghanistan's infrastructure.

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ANNEX II

ROLE OF THE UNITED NATIONS DURING THE INTERIM PERIOD

1. The Special Representative of the Secretary-General will be responsible for all aspects of the United Nations' work in Afghanistan.
2. The Special Representative shall monitor and assist in the implementation of all aspects of this agreement.
3. The United Nations shall advise the Interim Authority in establishing a politically neutral environment conducive to the holding of the Emergency Loya Jirga in free and fair conditions. The United Nations shall pay special attention to the conduct of those bodies and administrative departments which could directly influence the convening and outcome of the Emergency Loya Jirga.
4. The Special Representative of the Secretary-General or his/her delegate may be invited to attend the meetings of the Interim Administration and the Special Independent Commission on the Convening of the Emergency Loya Jirga.
5. If for whatever reason the Interim Administration or the Special Independent Commission were actively prevented from meeting or unable to reach a decision on a matter related to the convening of the Emergency Loya Jirga, the Special Representative of the Secretary-General shall, taking into account the views expressed in the Interim Administration or in the Special Independent Commission, use his/her good offices with a view to facilitating a resolution to the impasse or a decision.
6. The United Nations shall have the right to investigate human rights violations and, where necessary, recommend corrective action. It will also be responsible for the development and implementation of a programme of human rights education to promote respect for and understanding of human rights.

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ANNEX III

REQUEST TO THE UNITED NATIONS BY THE PARTICIPANTS AT THE UN TALKS
ON AFGHANISTAN

The participants in the UN Talks on Afghanistan hereby

1. Request that the United Nations and the international community take the necessary measures to guarantee the national sovereignty, territorial integrity and unity of Afghanistan as well as the non-interference by foreign countries in Afghanistan's internal affairs;
2. Urge the United Nations, the international community, particularly donor countries and multilateral institutions, to reaffirm, strengthen and implement their commitment to assist with the rehabilitation, recovery and reconstruction of Afghanistan, in coordination with the Interim Authority;
3. Request the United Nations to conduct as soon as possible (i) a registration of voters in advance of the general elections that will be held upon the adoption of the new constitution by the constitutional Loya Jirga and (ii) a census of the population of Afghanistan.
4. Urge the United Nations and the international community, in recognition of the heroic role played by the mujahidin in protecting the independence of Afghanistan and the dignity of its people, to take the necessary measures, in coordination with the Interim Authority, to assist in the reintegration of the mujahidin into the new Afghan security and armed forces;
5. Invite the United Nations and the international community to create a fund to assist the families and other dependents of martyrs and victims of the war, as well as the war disabled,
6. Strongly urge that the United Nations, the international community and regional organizations cooperate with the Interim Authority to combat international terrorism, cultivation and trafficking of illicit drugs and provide Afghan farmers with financial, material and technical resources for alternative crop production.

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ANNEX IV

COMPOSITION OF THE INTERIM ADMINISTRATION

Chairman: Hamid Karzai

Vice-Chairmen:

Vice-Chair and Women's Affairs: Dr. Sima Samar

Vice-Chair and Defence: Muhammad Qassem Fahim

Vice-Chair and Planning: Haji Muhammad Mohaqqueq

Vice-Chair and Water and Electricity: Shaker Kargar

Vice-Chair and Finance: Hedayat Amin Arsala

Members:

Department of Foreign Affairs: Dr. Abdullah Abdullah

Department of the Interior: Muhammad Yunus Qanooni

Department of Commerce: Seyyed Mustafa Kazemi

Department of Mines and Industries: Muhammad Alem Razm

Department of Small Industries: Aref Noorzai

Department of Information and Culture: Dr. Raheen Makhdoom

Department of Communication: Ing. Abdul Rahim

Department of Labour and Social Affairs: Mir Wais Sadeq

Department of Hajj and Aqaf: Mohammad Hanif Hanif Balkhi

Department of Martyrs and Disabled: Abdullah Wardak

Department of Education: Abdul Rassoul Amin

Department of Higher Education: Dr. Sharif Faez

Department of Public Health: Dr. Suhaila Seddiqi

Department of Public Works: Abdul Khalig Fazal

Department of Rural Development: Abdul Malik Anwar

Department of Urban Development: Haji Abdul Qadir

Department of Reconstruction: Amin Farhang

Department of Transport: Sultan Hamid Hamid

Department for the Return of Refugees: Enayatullah Nazeri

Department of Agriculture: Seyyed Hussein Anwari

Department of Irrigation: Haji Mangal Hussein

Department of Justice: Abdul Rahim Karimi

Department of Air Transport and Tourism: Abdul Rahman

Department of Border Affairs: Amanullah Zadran